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In the Supreme Court of the United States

OCTOBER TERM, 1979

No. 78-6386

WILLIAM JAMES RUMMEL,
Petitioner,

vs.

W. J. ESTELLE, JR., DIRECTOR, TEXAS
DEPARTMENT OF CORRECTIONS,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF OF THE CRIMINAL DISTRICT ATTORNEY OF BEXAR COUNTY, TEXAS, AS AMICUS CURIAE

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**BRIEF OF THE CRIMINAL DISTRICT ATTORNEY
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INTEREST OF AMICUS

By written consent of petitioner and respondent, the Criminal District Attorney of Bexar County, Texas has filed this brief as amicus curiae. The Bexar County Criminal District Attorney is particularly interested in this case because he and his assistants were the prosecuting state officials in *State v. Rummel*, cause number 73-CR-214, in which petitioner, William James Rummel, was assessed a "life" sentence in accordance with Article 63 of the Texas

Penal Code (1925), the then designated habitual offender statute.¹

The Criminal District Attorney of Bexar County, Texas is further particularly interested in this case because he and his assistants have been the prosecuting officials in numerous cases in which life sentences were imposed under the terms of Article 63 of the Texas Penal Code (1925) and its successor provision, Section 12.42, Texas Penal Code (1974), both provisions being known as "The Habitual Offender Statute." A decision finding that the Habitual Offender Statute was inappropriately applied to Petitioner in violation of the Cruel and Unusual Punishment Clause of the Eighth Amendment to the United States Constitution would jeopardize the now final convictions in many cases prosecuted by this amicus.

ARGUMENT AND AUTHORITIES

Recidivist statutes and habitual offender statutes are promulgated by legislatures for the legitimate purpose and goal of deterring and punishing that particular class of criminals who persistently flaunt the law and efforts directed at their reformation. See *Spencer v. Texas*, 385 U.S. 554, 87 S.Ct. 648, 17 L.Ed.2d 606 (1967). Punishments

1. An assistant district attorney for Bexar County presented evidence to the Bexar County Grand Jury resulting in the indictment of William James Rummel on January 31, 1973, for the offense of Theft over Fifty Dollars (\$50.00) by False Pretext. The indictment also contained two enhancement paragraphs alleging that Rummel had been previously convicted of two other felony offenses, namely: Credit Card Fraud in 1964 and Passing a Forged Instrument in 1969. A copy of the indictment is included in the Amicus Appendix to this brief at p. A-1. An assistant district attorney for Bexar County, Texas presented evidence at Rummel's trial which resulted in a guilty verdict by a jury and a finding of "true" to the two enhancement paragraphs, mandating a "life sentence". A copy of the judgment and sentence is included in the Amicus Appendix to this brief at p. A-55.

under these statutes are based upon the individual's continuing pattern of criminal conduct, not merely upon the last offense he commits.

Petitioner, William James Rummel, has maintained a continuing course of conduct in derogation of Texas penal laws, thus placing himself within that class of criminals for which the Texas legislature felt compelled to adopt more severe measures for the deterrence of crime and protection of its citizens.²

2. Petitioner has neglected to advise the Court of his entire criminal history. A more accurate list of his criminal record, exclusive of arrests, is set out below:

1. Convicted October 20, 1959 of Misdemeanor Theft in cause no. 68554.
2. Convicted October 20, 1959 of Unlawful Possession of Alcoholic Beverages, cause no. 68553.
3. Convicted January 21, 1960 of Unlawfully Carrying a Deadly Weapon in County Court No. 1, Bexar County, Texas.
4. Convicted May 17, 1960 of Burglary in cause No. 3357 in the 81st District Court of Karnes County, Texas. Granted three years probation.
5. Convicted March 6, 1964 of Swindling by Check in cause no. 144938 in County Court, Bexar County, Texas.
6. Convicted March 6, 1964 of Swindling by Check in cause no. 144864 in County Court, Bexar County, Texas.
7. Convicted December 16, 1964 of Presentation of Credit Card With Intent to Defraud in cause no. 64306 in the 144th District Court, Bexar County, Texas.
8. Violated parole on July 21, 1966. Returned to the Texas Dept. of Corrections on August 25, 1966.
9. Convicted February 21, 1968 of Aggravated Assault on a Female in cause no. 157124 in County Court No. 3, Bexar County, Texas.
10. Convicted April 23, 1968 of Swindling by Check in cause no. 167599 in County Court, Bexar County, Texas.
11. Convicted March 11, 1969 of Forgery in cause No. 68-977, in the 144th District Court, Bexar County, Texas.
12. Convicted April 10, 1973 of Swindling by Check Over \$50 in cause no. 72-2721 in the 187th District Court, Bexar County, Texas.
13. Convicted April 10, 1973 of Theft of Property Over the Value of \$50 (Habitual) in cause No. 73-CR-214 in the 187th District Court of Bexar County, Texas.

See Amicus Appendix at pp. A-9 through A-56.

Contrary to petitioner's suggestion, he did not receive a life sentence under Texas law for theft of property totaling \$230.11. Rather, his punishment resulted from the fact of his third felony conviction. No one, including petitioner, receives a "life" sentence in Texas merely for the offense of theft. Petitioner was found guilty of felony theft by a jury which subsequently heard competent evidence at the punishment phase of the trial that petitioner had been twice previously convicted of felony offenses. Based upon that evidence, the jury returned a verdict of "life" in the Texas Department of Corrections.

The use of prior convictions is a rational means of setting punishment for habitual offenders that has been approved by the courts throughout the history of this Nation. Tracing that history, this Court in *Graham v. West Virginia*, 224 U.S. 616, 32 S.Ct. 583, 56 L.Ed. 917 (1912), stated:

"The propriety of inflicting severer punishment upon old offenders has long been recognized in this country and in England. They are not punished the second time for the earlier offense, but the repetition of criminal conduct aggravates their guilt and justifies heavier penalties when they are again convicted. Statutes providing for such increased punishment were enacted in Virginia and New York as early as 1796 and in Massachusetts in 1804; and there have been numerous acts of similar import in many states. This legislation has uniformly been sustained in the state courts (Ross's Case, 2 Pick. 165, 170; *Plumbly v. Com.* 2 Met. 413, 415; *Com. v. Richardson*, 175 Mass. 202, 205, 55 N.E. 988; *Rand v. Com.* 9 Gratt. 740, 741; *King v. Lynn*, 90 Va. 345, 347, 18 S.E. 439; *People v. Stanley*, 47 Cal. 114, 17 Am. Rep. 401; *People v. Coleman*, 145 Cal. 609, 79 Pac. 283, *Ingalls v. State*, 47 Md. 485, *State v. Aus-*

tin, 113 Mo. 538, 21 S.W. 31), and it has been held by this Court not to be repugnant to the Federal Constitution. *Moore v. Missouri*, 159 U.S. 673, 40 L.Ed. 301, 16 Sup. Ct. Rep. 179; *McDonald v. Massachusetts*, 180 U.S. 311, 45 L.Ed. 542, 21 Sup. Ct. Rep. 389." *Id.* at 222 U.S. 623, 32 S.Ct. 585.

Spencer, supra, preserves the vitality of this historical concept with respect to Article 63, the habitual offender statute in question here.

The Determination of Punishment Is a Legislative Prerogative

Petitioner seeks to align himself with those petitioners dealt with in *Furman v. Georgia*, 408 U.S. 238, 92 S.Ct. 2726, 33 L.Ed.2d 346 (1972); *Gregg v. Georgia*, 428 U.S. 153, 96 S.Ct. 2909, 49 L.Ed.2d 859 (1976); and *Coker v. Georgia*, 433 U.S. 584, 97 S.Ct. 2861 (1977), cases dealing with imposition of the death penalty. His position, however, cannot be validly compared with those cases because death penalty decisions occupy a special place in Eighth Amendment jurisprudence. *Hall v. McKenzie*, 537 F.2d 1232 (4th Cir. 1976); *Carmona v. Ward*, 576 F.2d 405 (2nd Cir. 1978), cert. denied, U.S., 99 S.Ct. 874 (1979). See generally *Furman*, supra.

Unless a punishment is cruel, inhumane or arbitrary and shocking to the sense of justice, intervention by the courts is inappropriate because "the power of punishment is vested in the legislature, not in the judicial department. It is the legislature, not the court, which is to define a crime, and ordain its punishment." *United States v. Wiltberger*, 18 U.S. 76, 93, 5 L.Ed. 37 (1820). Therefore, in reviewing a punishment, a court will assume its validity, and so long as that punishment is within the statutory limits, it will not be construed as cruel and unusual.

Gregg, supra; *Castle v. United States*, 399 F.2d 642 (5th Cir. 1968); *Hendrick v. United States*, 357 F.2d 121 (10th Cir. 1966); *United States v. Pruitt*, 341 F.2d 700 (4th Cir. 1964); in fact, this Court has never held that the length of a sentence by itself is cruel and unusual punishment.³

The Texas Habitual Offender Statute Has a Legitimate Penological Goal

The Texas legislature, like most other legislative bodies, has recognized that the objective of its penal laws is to ensure the public safety and that in achieving this objective, proper considerations are (1) the deterrent influence of penalties; (2) the rehabilitation of persons convicted of offenses; and (3) the punishment necessary to prevent the likely recurrence of criminal behavior. See Texas Penal Code § 1.02 (1974).

The Texas Penal Code of 1925, effective at the time of petitioner's conviction, manifests a clear intent by the Texas legislature to deter continuing or repetitive criminal activity by increasing the penalty for each succeeding offense. An offender committing his first felony offense was subject to the range of punishment attached to that particular offense. If he committed the same type of offense a second time, he was punished upon conviction by the maximum term for the same or similar offense. Texas Penal Code, Art. 62 (1925). Upon a third conviction for a felony offense, his punishment was a mandatory life sentence with parole. Texas Penal Code, Art. 63 (1925).

Petitioner asserts that a life sentence under the Habitual Offender Statute is so severe as to have no penological

3. A careful reading of *Weems v. United States*, 217 U.S. 349, 30 S.Ct. 544, 54 L.Ed. 793 (1910), discloses that the sentence was overturned because of the harsh accessory penalties under *cadena temporal*, not the length of the sentence itself.

justification. However, deterrence through punishment, even if severe, is recognized as a legitimate penological goal. *McQuoid v. Smith*, 556 F.2d 595 (1st Cir. 1977). As this Court noted in *Pell v. Procunier*, 417 U.S. 817, 94 S.Ct. 2800, 41 L.Ed.2d 495 (1974), "by confining criminal offenders in a facility where they are isolated from the rest of society, a condition that most people presumably find undesirable, they and others will be deterred from committing additional criminal offenses." Id. at 417 U.S. 822, 94 S.Ct. 2804. Further, by isolating those individuals with a demonstrated propensity to commit felony offenses under the Habitual Offender Statute, society is at least afforded some protection from the criminal offenders most likely to engage in repetitive crime.

Petitioner intimates that rehabilitation is the only legally acceptable goal of punishment. Considering his status as a career criminal, his argument is understandable. There is, however, no constitutional requirement that "penal sanctions be designed solely to achieve therapeutic or rehabilitative effects." *Powell*, supra at 392 U.S. 530, 88 S.Ct. 2153. Increasing the period of incarceration with each new offense reflects a legislative decision that rehabilitation, no matter how laudable its purpose, becomes secondary to the deterrence of offenders who have proven incapable of reformation. Courts and legislatures must consider all of society's stake in the application of penal laws, not just those interests which benefit the criminal.

4. Whether a given penalty is an effectual deterrent to crime should not be at issue here. As Mr. Justice Marshall commented in *Powell v. Texas*, 392 U.S. 514, 88 S.Ct. 2145, 20 L.Ed.2d 1254 (1968):

"The longstanding and still raging debate over the validity of the deterrence justification for penal sanctions has not reached any sufficiently clear conclusions to permit it to be said that such sanctions are ineffective in any particular context or for any particular group of people who are able to appreciate the consequences of their acts." Id. at 392 U.S. 531, 88 S.Ct. 2153.

The Texas legislature, nevertheless, still provides petitioner with the incentive and opportunity for rehabilitation through parole, despite his persistent refusal to rehabilitate himself when given lesser sentences. Even with a "life" sentence, petitioner will be eligible for parole in 12 to 20 years. See Texas Code of Criminal Procedure, Art. 42.12; Texas Revised Civil Statutes, Art. 6184L; *Yeager v. Estelle*, 489 F.2d 276 (5th Cir. 1973); Brief of Respondent. In fact, by definition, "parole" means "the release of a prisoner for *rehabilitation* outside the prison walls." Texas Code of Criminal Procedure, Art. 42.12, § 2(b).

A legislature is the body politic which determines and expresses the public view on the seriousness of crime and the difficulties in suppressing crime in the community. To tamper with the legislative method of dealing with criminal conduct "is the gravest and most delicate duty" that the courts may perform. *Blodgett v. Holden*, 275 U.S. 142, 147, 48 S.Ct. 105, 107, 72 L.Ed. 206 (1927) (concurring opinion, Holmes, J.).

In *Gore v. United States*, 357 U.S. 386, 78 S.Ct. 1280, 2 L.Ed.2d 1405 (1950), attack was made on the excessiveness of a cumulative sentence under federal narcotics law. Recognizing the principle of judicial restraint, this Court refused to void the sentence, and held that Congress is the body best able to gauge which offenses pose the greatest danger to society and the method of deterrence. That is, when crime remains persistent and growing, it is within the legislative prerogative "to turn the screw of the criminal machinery—detection, prosecution and punishment—tighter and tighter" for the public good and well-being. Likewise, the Second Circuit in *Carmona*, supra, deferred to the New York legislature on the severity of narcotics laws within that state.

While Congress and the New York legislature have dealt severely with the enormous problem of illicit drugs in the United States and in New York State, the Texas legislature, as the voice of its citizens, is attempting to deal with a problem of equal magnitude within its own borders, the problem of professional and life-long criminals who refuse rehabilitative measures. For this Court to now say that recidivism in Texas does not pose as great a threat as does narcotics is to tell the Texas legislature that the judiciary is infinitely wiser and has a keener ability to assess the dangers of criminal activity in Texas than the legislative body.

Petitioner's Argument Rests on Erroneous Facts and Conclusions

To support his contention that his sentence is unconstitutional, petitioner relies on erroneous facts and conclusions. Close examination of petitioner's argument reveals that it depends on facts that have been misrepresented (while other facts have been selectively omitted) and conclusions based on speculation.

Petitioner first implies to the Court that prior to his conviction as an habitual offender, he had been convicted only twice of theft offenses, which he now claims border on the trivial and that he is merely a "petty offender." He further implies that none of his past convictions involve violence or use of a weapon. His actual criminal records reflect otherwise. In all, petitioner has five other convictions, including convictions for burglary, aggravated assault on a female, and unlawfully carrying a deadly weapon. While petitioner himself may feel that his offenses were petty in nature, probably none of his victims would agree, especially the woman assaulted in 1968 and the numerous victims who suffered loss because of his burglary

and thefts. Nor were the offenses for which petitioner received his habitual status "trivial" to the legislature, which determined within its power that such offenses were to be classed as felonies rather than misdemeanors. Thus, any attempt to minimize petitioner's offenses goes beyond the latitude of proper judicial review.

Petitioner brashly asserts that the Texas Habitual Offender Statute and recidivist laws in general fail to isolate the true threat to the community, i.e., the dangerous criminal, and that it operates only on one like himself who "threatens no one." Petitioner's own survey, however, totally contradicts this proposition by disclosing that persons convicted under the Habitual Offender Statute engage in the entire spectrum of criminal activity, whether it be robbery, rape, murder, burglary, or theft. See Petitioner's Appendix, pp. 1-21. Further, there is no empirical basis, and petitioner can show none, for his claim that the habitual offender laws at most deter commission of petty offenses and may indirectly encourage commission of serious crimes. Petitioner's Brief, p. 52.

It is also noteworthy that petitioner must shore up his Eighth Amendment claim with a due process and equal protection argument under the Fourteenth Amendment when he alleges that application of the Habitual Offender Statute results in "nullification by individual judges, prosecutors and jurors," which "commensurately increases the incidence of potentially arbitrary variations in application standards." Petitioner's Brief, p. 60. With respect to mandatory sentences, this claim was laid to rest in *McQuoid*, supra:

"The second facet of appellant's eighth amendment argument is that the penalty's inflexibility will cause it to be applied so arbitrarily and unevenly as to amount to cruel and unusual punishment. Cf. *Furman*

v. Georgia, 408 U.S. 23, 92 S.Ct. 2726, 33 L.Ed.2d 346, (1972). It is contended that 'at various levels of the system—from the police officer on the beat to the trial judge in the courtroom—extra-legal and even illegal efforts will be made to ameliorate the rigors of the harsh legislative intent.' This theory, assuming its applicability to penalties other than death, is wholly speculative. The lack of flexibility in the present statute was obviously seen as a means of obtaining more rather than less uniform enforcement, and we cannot say that the legislature was necessarily wrong in this regard notwithstanding the considerations pointed out by appellant . . . Unlike situations addressed in *Furman*, the jury retains no discretion to impose or withhold the sentence. In virtually every kind of criminal case, police, juries and judges have some opportunity and often some temptation to exercise discretion extralegally."

"Nor does the supposed high likelihood of selective enforcement persuade us that the statute violates the due process clause of the fourteenth amendment. No parallel has been demonstrated between this rigid statute and vague or overly broad laws which encourage discriminatory enforcement because of the amount of discretion granted to arresting and prosecuting officials . . . The statute gives little discretion to anyone, and it is sheer speculation that officials will decline to enforce it regularly." *Id.* at 597-598.

Petitioner continuously complains that he has been punished for a mere theft offense just as severely as one punished for robbery, murder, or rape. But his comparison neglects the fact that the Texas sentencing structure does punish the rapist, robber, or murderer more severely than the thief who commits his first offense or his second of-

fense, thus allowing the thief many more opportunities to rehabilitate by means of lesser sentences. In petitioner's case, he was given opportunities to rehabilitate himself when he was convicted of burglary in 1960 and given a probated sentence, when he was convicted of credit card fraud in 1964 and assessed three years to serve, when he was given parole and later violated that parole, and when he was convicted of forgery in 1969 and assessed four years to serve. The more appropriate comparison demonstrates that first-time robbers, murderers, and rapists are in fact treated more harshly and do not receive the leniency petitioner has received throughout his criminal career. Murderers, rapists, and robbers upon their first conviction are subject to and often receive life sentences, whereas a thief cannot. Compare Texas Penal Code, Art. 1421 (1925) and Texas Penal Code § 31.03 (1974) with Texas Penal Code, Arts. 1189, 1257, 1405, 1409 (1925) and Texas Penal Code §§ 12.32, 19.02, 21.03, 29.03 (1974).

Federal Judicial Intervention Will Invade Lawful Prosecutorial Decision-Making

The District Attorney's decision to proceed against a habitual offender under Article 63 is based on information about the offender uniquely available to the District Attorney which has been gathered by law enforcement agencies. Primary consideration is given to the offender's prior convictions, both felony and misdemeanor, his arrests, his earlier cases disposed of through plea bargaining arrangements, other unindicted charges, and pending charges in other jurisdictions. This same information often influences the course of plea bargaining after an indictment is returned by the grand jury.

In reaching a decision to seek indictment of William James Rummel as a habitual offender under Article 63, the

prosecutor's files revealed that in addition to the two felony convictions for credit card fraud and forgery, Rummel had convictions for misdemeanor theft, unlawfully carrying a deadly weapon, burglary, aggravated assault on a female, swindling by check, a parole violation and a pending swindling case in which he was later convicted. The District Attorney's Office had also received for prosecution other checks which Rummel had used in swindling schemes in Bexar County (which were not prosecuted after he received a life sentence).⁵ Because his swindling and bad check activities were extensive, the Criminal District Attorney could not consider Rummel a mere petty thief and withhold prosecution of Rummel as an habitual offender. See Appendix at A-5.

The only legislative requirement for charging a defendant under the Habitual Criminal Statute is that he have at least two prior final felony convictions. Petitioner now seeks to have engrafted upon the statute other unspecified criteria which the prosecutor must use in making his charging decision. If this Court were to review the propriety of each habitual offender's sentence on an "as applied" or case-by-case basis, the Court would be required to determine from the prosecutor's files and records, the reasons and motives of the prosecutor for proceeding against the habitual offender. Thus, the Court would be attempt-

5. The dissenting opinion in *Hart v. Coiner*, 483 F.2d 136 (4th Cir. 1973), refers to this practice in the following language:

"From our experience as practicing attorneys or, perhaps, trial judges, how many times have cases come to our attention where it was known to the prosecutor that an accused had issued a veritable flood of bad checks but the prosecutor was satisfied to accept a plea of guilty as to one and dismiss the other charges? Is this not true with reference to multiple offenses of other types and kinds such as breaking and entering, robberies, and the like? What can an appellate court possibly know of the circumstances surrounding every recorded conviction?" *Id.* at 149, n.2.

ing to second-guess the prosecutor as to his determination of which criminals are mere trivial offenders.

In the past, this Court has expressly disallowed any judicial inquiry into the District Attorney's motive in prosecuting a defendant properly chargeable as an habitual criminal under the statute, unless his decision is based on "some unjustifiable standard such as race, religion, or other arbitrary classification." *Oyler v. Boles*, 368 U.S. 448, 82 S.Ct. 501, 7 L.Ed.2d 446 (1962); *Bordenkircher v. Hayes*, 434 U.S. 357, 98 S.Ct. 663 (1978).

A failure by the Court to specify which offenses become trivial and which do not, would leave the prosecutor without guidelines in future cases. As Judge Thornberry correctly predicted in his dissent prior to rehearing en banc in this cause, the prosecutor cannot know the possible limits of error. *Rummel v. Estelle*, 568 F.2d 1193, at 1202 (5th Cir. 1978). If the test is monetary, is the amount in dollars controlling? Or, will monetary loss be considered relative to the financial circumstances of the victim? Would embezzling two million dollars from a bank or stealing millions of dollars worth of computer equipment from a corporation be more injurious than defrauding a widow of her \$2,000 life savings or stealing and forging the \$100 paycheck of a poor man with a family to support? Further, when is violence or danger to the victim a factor? Is actual physical harm required? Or is psychological harm enough? Are robbery with a toy pistol and rape of a seven year old girl without force "violent" crimes? And, which crimes create a potential for violence? Is burglary of an unattended vehicle or burglary of a home while the victims are away potentially violent crimes? Does perjury to free a heinous murderer have sufficient potential to be violent? What crimes have a sufficiently strong social interest? Sale of one marihuana cigarette? Possession of

one pound of marihuana? Or 500 pounds? Do bribery and gambling promotion possess sufficiently strong social interests?

The foregoing questions and hypotheticals are typical of the future problems which will confront the prosecutor if petitioner's position is sustained. The prosecutor's talents would require that he be clairvoyant and predict how serious the federal courts will perceive various offenses and combinations of offenses.

An additional question for the prosecutor is whether a negotiated guilty plea resulting from an agreement by the prosecutor to abandon the habitual counts in an indictment charging the defendant with a property crime and previous convictions for theft related offenses, will be held invalid because the plea was made under threat of receiving a "cruel and unusual" sentence under the Eighth Amendment. Up to this point in jurisprudence, this Court has made it clear that an inducement to plead guilty under a threat of prosecution as an habitual offender is not unconstitutional. *Bordenkircher*, supra. To sustain petitioner's argument would leave an unsettled position on this matter.

Not only would petitioner's position present unanswerable questions for prosecutors, but also for the trial courts of Texas. Article 63 by its terms is mandatory and a trial judge has no discretion to withhold or impose a life sentence. He would now be required to ignore the legislative will in each habitual offender case and independently decide whether or not to follow the statutory sentencing procedure. In practical effect, the Habitual Offender Statute would be emasculated, just as if it had been declared unconstitutional on its face. See *Hart v. Coiner*, 483 F.2d 136 (4th Cir. 1973) (dissenting opinion, Boreman, J.).

CONCLUSION

In light of the more complete criminal record of petitioner provided by amicus, of which petitioner has failed to advise the Court, amicus prays that this tribunal adopt the en banc decision of the United States Court of Appeals for the 5th Circuit and affirm the judgment of the United States District Court for the Western District of Texas. Amicus requests that the Court render a conclusive finding that the sentencing provisions of the Texas Habitual Offender Statute do not violate the Cruel and Unusual Punishment Clause of the Eighth Amendment as applied to the States through the Fourteenth Amendment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Keith W. Burris, Assistant Criminal District Attorney, Bexar County, Texas, hereby certify that on October 12, 1979, three (3) copies of the above and foregoing Brief and Appendix of the Criminal District Attorney of Bexar County, Texas, as Amicus Curiae were mailed to:

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and that one (1) copy of the same was mailed to:

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and that three (3) copies of the same were mailed to:

Mr. Douglas M. Becker
Assistant Attorney General
P. O. Box 12548
Capitol Station
Austin, Texas 78711.

KEITH W. BURRIS

**APPENDIX TO BRIEF OF THE CRIMINAL
DISTRICT ATTORNEY OF BEXAR COUNTY,
TEXAS, AS AMICUS CURIAE**

APPENDIX OF CONVICTIONS AND AFFIDAVIT

This Appendix contains documentation of the prior convictions of William James Rummel which are referred to in footnote No. 2, at page 3 of the Brief filed by Amicus Curiae, the Criminal District Attorney of Bexar County, Texas and Affidavit of Assistant Criminal District Attorney, John L. Quinlan, III.

Respectfully submitted,

KEITH W. BURRIS

Attorney for Amicus Curiae

The Criminal District Attorney for
Bexar County, Texas

HABITUAL INDICTMENT

(Filed January 31, 1973)

IN THE NAME AND BY AUTHORITY OF THE STATE
OF TEXAS:

The Grand Jury of Bexar County, State of Texas, duly organized, empaneled and sworn as such, at the January Term, A.D. 1973, of the 144th District Court of said County, in said Court, at said term, do present in and to said Court that WILLIAM J. RUMMEL, hereinafter called defendant, in the County of Bexar and State of Texas, on or about the 15TH day of AUGUST A.D. 1972, did then and there unlawfully and fraudulently take LAWFUL

MONEY OF THE UNITED STATES OF AMERICA over the value of \$50.00, from the possession of DAVID L. SHAW, hereinafter called complainant, the owner thereof, without the consent of the complainant and with the intent then and there on the part of the said defendant, to deprive the said complainant of the value of the same, and with the intent to appropriate the said property to the use and benefit of him, the said defendant; and the defendant did so appropriate the said property to the use and benefit of the said defendant;

And the Grand Jurors aforesaid do further present that prior to the commission of the aforesaid offense by WILLIAM J. RUMMEL, to-wit: on the 11TH day of MARCH A.D. 1969, in the 144TH District Court of BEXAR COUNTY, TEXAS, in Cause No. 68-977, on the docket of said Court, the said WILLIAM J. RUMMEL, hereinafter referred to as defendant, was duly and legally convicted in said last named Court of a felony less than capital, to-wit: PASSING AS TRUE A FORGED INSTRUMENT, upon an indictment then legally pending in said last named Court and of which said Court had jurisdiction; and said conviction was a final conviction and was a conviction for an offense committed by the defendant, prior to the commission of the offense hereinbefore charged against him, as set forth in the FIRST paragraph hereof.

And the Grand Jurors aforesaid do further present that prior to the commission of each of the aforesaid offenses by the defendant, to-wit; on the 16TH day of DECEMBER A.D. 1964, in the 144TH District Court of BEXAR COUNTY, TEXAS, in Cause No. 64-306, on the docket of said Court, the said WILLIAM J. RUMMEL, the aforesaid defendant, was duly and legally convicted in said last named Court of a felony less than capital, to-wit: PRESENTATION OF CREDIT CARD WITH INTENT TO DE-

FRAUD (CREDIT OR SERVICE OF THE VALUE OF FIFTY DOLLARS (\$50.00) OR MORE), upon an indictment then legally pending in said last named Court and of which said Court had jurisdiction; and said conviction was a final conviction and was a conviction for an offense committed by the defendant prior to the commission and conviction of the offense hereinbefore charged against him in the SECOND paragraph hereof, and said conviction set forth in this paragraph was prior to the commission of the offense set forth in the FIRST paragraph hereof; against the peace and dignity of the State;

John E. Smock
Foreman of the grand jury

IN THE MATTER OF WILLIAM JAMES RUMMEL
STATE OF TEXAS
COUNTY OF BEXAR

AFFIDAVIT OF JOHN L. QUINLAN, III

My name is John L. Quinlan, III and I am Chief of the Special Crimes Unit in the Bexar County District Attorney's Office. I have held that position since 1972. I and my staff are responsible for the prosecution of white collar criminals, hot check artists, forgers, persons engaged in organized crime and embezzlement.

On November 29, 1972, William J. Rummel was indicted by the Bexar County Grand Jury in cause number 72-2721, for passing a hot check over the value of \$50.00. Included in the indictment were two (2) enhancement paragraphs alleging that Rummel had two previous felony convictions, making him a habitual offender. Rummel was arrested and he thereafter made bond. While on bond, numerous other hot checks were presented to the District

Attorney's Office for prosecution; however, it was the general policy for the District Attorney to seek an indictment and conviction on only one case rather than seeking to prosecute for each an every hot check passed by an individual engaged in that type of activity.

On January 31, 1972, the Bexar County Grand Jury indicted William J. Rummel on a different matter in cause number 73-CR-214 for Theft over Fifty Dollars by False Pretext. This indictment also contained two additional paragraphs alleging that Rummel had been twice previously convicted of felony offenses making him a habitual offender.

I and members of my Special Crimes Unit were responsible for the prosecution of these two cases against Rummel and also the additional hot checks for which we did not seek indictments.

On more than one occasion, I reviewed the District Attorney's files in cause numbers 72-2721 and 73-CR-214. Both files contained court documents and rap sheets by law enforcement agencies which showed the previous criminal history of William J. Rummel. The District Attorney's files disclosed that William J. Rummel had been convicted in 1959 of Misdemeanor Theft, convicted in 1959 for Unlawful Possession of Alcoholic Beverages, convicted in 1960 of Unlawfully Carrying a Deadly Weapon, convicted in 1960 of Burglary, convicted in 1964 of Swindling by Check, convicted in 1964 of Credit Card Fraud, a 1966 parole violation, convicted in 1968 of Aggravated Assault on a Female, another conviction in 1968 for Swindling by Worthless check, and a conviction in 1969 for Passing a Forged Check. The Grand Jury which indicted Rummel as a habitual offender was also privy to this information. The files of the District Attorney's Office also revealed that

Rummel had numerous hot checks which he had passed in the San Antonio area and which had been turned over to the District Attorney's Office by the victims.

In deciding to prosecute William James Rummel as an habitual offender, I took into consideration his numerous prior convictions, the fact that he had two felony cases pending against him and numerous hot checks which we later decided not to prosecute. Additionally, I had been told that Rummel was not interested in a negotiated plea bargain on the case in which he was tried and given a life sentence; therefore, I dispatched one of my assistants, Tony Cantu, to try the Theft by False Pretext case, number 73-CR-214. Rummel was convicted and at the punishment phase of the trial, Mr. Cantu presented evidence showing that Rummel had been convicted of two previous felonies, namely: the Fraud by Credit Card conviction in 1964 and the Passing a Forged Check in 1969. It was not necessary under the habitual offenders statute, Art. 63, Texas Penal Code, to prove more than two previous felony convictions; therefore, evidence of Rummel's other convictions was not presented. He received the mandatory life sentence.

On the same day that the jury returned a life sentence against Rummel, he plead guilty to the other felony case pending against him in cause numbered 72-2721 upon a negotiated plea for three years. Because we had received a successful prosecution on these two cases, I decided not to seek indictments on the numerous other check cases against Rummel and those matters were dropped.

SWORN TO BY ME this the 8 day of October, A. D., 1979.

/s/ John L. Quinlan, III
John L. Quinlan, III

A-6

SWORN TO AND SUBSCRIBED before me this the
8 day of October, A. D., 1979, in Bexar County, Texas.

/s/ (Illegible)

(Seal)

Notary Public in and for
Bexar County, Texas

A-7

PRIOR CONVICTIONS OF JAMES RUMMEL

THE ORIGINALS OF ALL OF
THE FOLLOWING PAGES OF THIS
APPENDIX WERE OF EXTREMELY POOR
QUALITY. WHAT APPEARS IS THE
BEST POSSIBLE REPRODUCTION
UNDER THE CIRCUMSTANCES.

No. 12888

IN THE
County Court at Law No. 1
OF BEXAR COUNTY, TEXAS

THE STATE OF TEXAS

vs.

Bill Rummel

422 W. Craig St

OFFENSE OF
Unlawfully Carrying Bowie
Knife

Filed the _____ day of _____ A. D. 19__

Clerk of the County Court, Bexar County

By _____ Deputy

WITNESSES

✓✓ D. Garrison, SAPD

✓✓ L. Reina, SAPD

FILED

OCT 27 1959

FRED HUNTRESS

Clerk of the County Court at Law
No. 1 of Bexar County, TexasBy Ernest M. Miller
CLERK

A-10

No. 18-AFFIDAVIT FOR WARRANT OF ARREST

In the Name and by Authority of the State of Texas:

BEFORE ME, the undersigned authority, on this day personally appeared
Sam Talamantes

who, after being by me duly sworn, on oath deposes and says that he has good reason to believe and does believe that

in the County of Bexar and State of Texas, on or about the 20th day of October A. D. 19 59 and before the filing and making of this complaint in the State and County aforesaid Bill Rummel, did then and there unlawfully carry on and about his person a bowie knife

contrary to the forms of the Statute, in such cases made and provided, and against the peace and dignity of the State.

Sam Talamantes

Sworn to and subscribed before me, this 27th day of October A. D. 19 59

Jack Leon
Assistant Criminal District Attorney of Bexar County, Texas

A-11

Form 174-102-11-000

In the Name and by Authority of the State of Texas:

Now comes the undersigned, Assistant Criminal District Attorney of Bexar County, Texas, upon the affidavit of Sam Talamantes hereto attached and made a part hereof, and in behalf of said State presents in the County Court at Law No. 1, of Bexar County, Texas, that heretofore, to-wit: on or about the 20th day of October, A. D. 19 59, and before the making and filing of this information, in said County of Bexar and State of Texas, Bill Rummel, did then and there unlawfully carry on and about his person a bowie knife

contrary to the forms of the Statute, in such cases made and provided, and against the peace and dignity of the State.

Jack Leon
Assistant Criminal District Attorney of Bexar County, Texas

Certified Copy of Judgment on Plea of Guilty. Trial by Court.

THE STATE OF TEXAS

vs.

Bill Runnel

No. 120,018.

Offense: Unlawfully Carrying a Bowie Knife.

On this, the 21st day of January, A.D. 1960, the above entitled and numbered cause was called for trial, both parties appearing and announcing ready for trial. The information having been read by the Criminal District Attorney of Bexar County, Texas, the defendant, in open court, pleaded guilty to the charge therein contained and waived a trial by jury and submitted this cause to the court; thereupon the court admonished the defendant of the consequences of such plea, but the defendant, Bill Runnel, persisted in pleading guilty, and, after due inquiry, it plainly appearing to the court that the defendant is sane and is uninfluenced by any consideration of fear, by any persuasion or delusive hope of pardon prompting him to confess his guilt, the said plea of guilty was received by the court.

The court, having heard and duly considered defendant's said plea of guilty to the charge contained in the information herein, and the evidence, is of the opinion and finds that the defendant is guilty of the offense of unlawfully carrying a Bowie Knife and that his punishment should be, and the same is hereby, assessed by a fine of one hundred (\$100.00) dollars.

It is, therefore, considered, ordered and adjudged by the court that the State of Texas recover of the defendant the amount of such fine herein imposed upon him, and all costs of the prosecution, for which execution may issue against the property of said defendant; and that the defendant, being present in court, be committed to jail, there to remain in custody, until such fine and all costs are paid and until he shall have fully satisfied and discharged the judgment ~~herein~~ herein imposed upon him as provided by law.

THE STATE OF TEXAS,
COUNTY OF BEXAR.

I, FRED HUNTRESS, Clerk of the County Court at Law No. 1, of Bexar County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the judgment of conviction in the case styled The State of Texas vs. Bill Runnel, and being No. 120,018 on the criminal docket of said court, and as appears in the criminal minutes of said court in volume 14, page 235.

In testimony whereof witness my hand and official seal in the City of San Antonio, Texas, this 21st day of Jan., 1960.

FRED HUNTRESS,
Clerk, County Court at Law No. 1
of Bexar County, Texas,
By *Emm O'Neill*, Deputy.

N.E. Mar 5. 60.

Fee Book Volume 8 Page 9

No. 120,018.

In the County Court at Law No. 1.,
of Bexar County, Texas

CERTIFIED COPY OF JUDGMENT
WITH BILL OF COSTS

THE STATE OF TEXAS 3022
vs.
Bill Runnel
Address: FEB 4 1960
Bondman: FRED HUNTRESS
Address: No 1 N. ...
Bondman: Emm O'Neill
Address: 21

Jan 30 60
10 days
Jan. 60
490.20
By C. K. ...

SHERIFF'S RETURN

Came to hand the 21 day of Jan. A.D. 1960, and executed the 21 day of Jan. A.D. 1960, by *Emm O'Neill*
Emm O'Neill
Sheriff, Bexar County, Texas
By *W. H. ...* Deputy.

A-14

CERTIFICATE

THE STATE OF TEXAS,
COUNTY OF BEXAR

I, ROBERT D. GREEN, Clerk of the County Court at Law No. 1, of
Bexar County, Texas, do hereby certify that the foregoing is a true
and correct copy of COMPLAINT AND INFORMATION, AND JUDGMENT WITH BILL
OF COSTS.

In Cause NO. 120714

Wherein THE STATE OF TEXAS, vs

BILL RUMEL

Defendant,

as the same appears on file in my office.

Witness my hand and seal of the Court at my office in San Antonio
Texas, this the 15 day of SEPTEMBER, A.D. 1979.

ROBERT D. GREEN

Clerk of the County Courts at Law
of Bexar County, Texas

by Lincoln T. [Signature], Deput

A-15

Longley

No. 3357

THE STATE OF TEXAS

vs.

IN THE DISTRICT COURT
OF

Bexar County, Texas

In the above entitled and numbered cause, it appearing to the court that the defendant has been
found guilty of the offense of Robbery, and his punishment assessed by the
court at confinement in a penitentiary for a term of 3 years, and that sentence
has heretofore been imposed upon the defendant under the judgment herein;

And it further appearing to the court that the defendant has never heretofore been convicted of a
felony in this state nor in any other state;

And it further appearing to the court that the best interests of the public and of the defendant
as well will be served by the suspension of the execution of the sentence herein;

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the execution of the
sentence rendered upon the defendant in this cause be and the same is hereby suspended, and the
defendant shall be on probation for the term of said sentence, upon the following terms and condi-
tions, to-wit:

That during the term of the probation, the defendant shall:

- (1) Commit no offense against the laws of this State or any other state or of the United States of America.
- (2) Abstain from the use of intoxicating liquor of any kind.
- (3) Refrain from gambling in all forms.
- (4) Stay away from bars, saloons, pool halls, liquor stores and all other places where gambling is permitted, or where liquor is sold, except for the eating places.
- (5) Avoid association with persons of immoral character or who violate the laws of the State.
- (6) Seek proper employment, some lawful and useful occupation, and work reasonably to perform the duties of such employment.
- (7) Support them, if any, dependant on him.
- (8) Report in person or by letter to the sheriff of this county on or within ten days before the first Monday in January, and on or before the first Monday of every month hereafter, during the term of the probation, giving said sheriff his address, marital status, employment, and home and address of his employer, if any.
- (9) Report to the sheriff of this county, in person, or by letter, within five days after any change of location, any change of name, or any change of home or address made by him, stating the offense charged and the Court in which the charge is filed.
- (10) Inform the sheriff of this county, in person, or by letter, of any change of address within five days after such change.
- (11) Not leave the State of Texas without first obtaining an order in writing from this court, authorizing such removal.
- (12) 30 days.

Done this 17th day of September, 1979.

(12)

(13)

Judge [Signature] Judicial District of Texas

144864

No. 144033

In the County Court at Law No. 2
of Bexar County, Texas

THE STATE OF TEXAS

vs.

William James Rummel

City Jail

OFFENSE

HOT CHECK

(Giving Check Without Sufficient Funds)

WITNESSES:

Mona Williford

3862 Pan Am- Holiday Inn

In the Name and by Authority of the State of Texas:

Now comes the undersigned, Assistant Criminal District Attorney of Bexar County, Texas, upon the affidavit of Z. Stanley

which is hereto attached and made a part hereof, and, in behalf of said State, presents in and to the County Court at Law No. 2 of Bexar County, Texas, that heretofore, to-wit: on or about the 22nd day of December A. D. 1963, and prior to the making and filing of this information in the County of Bexar and State of Texas,

William James Rummel

did then and there unlawfully, with intent to defraud, Mona Williford, Agent for Holiday Inn, a corporation, incorporated under the laws of the State of Texas, give to the said Mona Williford his check for the sum of Thirty Dollars drawn on First Nicholas National Bank of Kennedy, Texas in exchange for Lawful Money of the United States of America and of the total value of Thirty Dollars which check was in the

tenor following:

COURTESY OF NORTH HILL National Bank
2030 AUSTIN HIGHWAY AT LANARK DRIVE SAN ANTONIO, TEXAS

Dec. 22 1963

PAY TO THE
ORDER OF

Holiday Inn

\$30 00/

Thirty and 00/100

DOLLARS

VALUE RECEIVED AND CHARGE TO ACCOUNT WITH EXCHANGE

TO First Nicholas Natl.

BANK

William James Rummel

Kenedy Texas

SIGNATURE

City

STATE

Star Route

Kenedy, Texas

ADDRESS

PHONE

PLEASE ENTER ACCOUNT NUMBER

OL 926287

that the said Mona Williford accepted said check in payment for said Lawful Money of the United States of America and believed it to be good, and its payment was relied upon by Mona Williford and the said William James Rummel then and there did not have and knew he did not have sufficient funds with said bank to pay said check and all other checks, drafts and orders outstanding upon such funds at the time said check was given and drawn; that said check was presented to said bank for payment and payment was refused for want of sufficient funds of the said William James Rummel contrary to the terms of the Statute, in such cases made and provided, and against the peace and dignity of the State.

W. J. Rummel
Assistant Criminal District Attorney of Bexar County, Texas.

In the Name and by Authority of the State of Texas:

Before me, the undersigned authority, on this day personally appeared _____

Z. Stanley

who, after being by me duly sworn, on oath deposes and says that he has good reason to believe and does believe that heretofore, to-wit: on or about the 22nd day of December A.D. 1963, and prior to the making and filing of this complaint, in the County of Bexar and State of Texas _____

William James Rummel

did then and there unlawfully, with intent to defraud Nona Williford, Agent for Holiday Inn, a corporation, incorporated under the laws of the State of Texas, give to the said Nona Williford his check for the sum of Thirty Dollars drawn on First Nicholas National Bank of Kennedy, Texas in exchange for Lawful Money of the United States of America and of the total value of Thirty Dollars which check was in the

tenor following:

COURTESY OF NORTH HILL National Bank
2030 AUSTIN HIGHWAY AT LANARK DRIVE SAN ANTONIO, TEXAS

Dec. 22 1963

PAY TO THE
ORDER OF

Holiday Inn

\$30 00/

Thirty and 00/100 DOLLARS
VALUE RECEIVED AND CHARGE TO ACCOUNT WITH EXCHANGE

TO First Nicholas Natl.

BANK
Kennedy Texas
City STATE

William James Rummel
SIGNATURE
Star Route Kennedy, Texas
ADDRESS PHONE

PLEASE ENTER ACCOUNT NUMBER

OL 926287

that the said Nona Williford accepted said check in payment for said Lawful Money of the United States of America and believed it to be good, and its payment was relied upon by Nona Williford and the said William James Rummel then and there did not have and knew he did not have sufficient funds with said bank to pay said check and all other checks, drafts and orders outstanding upon such funds at the time said check was given and drawn; that said check was presented to said bank for payment and payment was refused for want of sufficient funds of the said William James Rummel contrary to the forms of the statute, in such cases made and provided, and against the peace and dignity of the State.

Sworn to and subscribed before me on this, the 15th day of January A.D. 1964.

T. J. [Signature]
Assistant Criminal District Attorney of Bexar County, Texas.

Certified Copy of Judgment of Conviction on Plea of Guilty. Trial by Court.

THE STATE OF TEXAS

No. 144938

vs.

Offense: Hot CheckWilliam James Rummel

On this, the _____ day of _____, A.D. 19____, the above entitled and numbered cause was called for trial, both parties appearing and announcing ready for trial. The _____ having been read by the Criminal District Attorney of Bexar County, Texas, the defendant in open court pleaded guilty to the charge therein contained and waived a trial by jury and submitted this cause to the court; thereupon the court admonished the defendant of the consequences of such plea, but the defendant William James Rummel persisted in pleading guilty, and, after due inquiry, it plainly appearing to the court that the defendant is sane and is uninfluenced by any consideration of fear, by any persuasion or delusive hope of pardon prompting him to confess his guilt, the said plea of guilty was received by the court.

The court, having heard and duly considered defendant's said plea of guilty to the charge contained in the _____ herein, and the evidence, is of the opinion and finds that the defendant is guilty of the offense of Hot Check

_____ and that his punishment should be, and the same is hereby assessed at a fine of One (\$1.00) dollar and Six (6) months in jail. Check 144938 to Mrs. C.C. Williford 144864

It is, therefore, considered, ordered and adjudged by the court that the State of Texas recover of the defendant the amount of such fine herein imposed upon him, and all costs of the prosecution, for which execution may issue against the property of said defendant; and that the defendant, being present in court, be committed to jail, there to remain in custody, until such fine and all costs are paid and until he shall have fully satisfied and discharged the judgment and sentence herein imposed upon him as provided by law.

.

THE STATE OF TEXAS,
COUNTY OF BEXAR.

I JAMES W. KNIGHT, Clerk of the County Court at Law No. 2 of Bexar County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the judgment of conviction in the case styled The State of Texas vs. William James Rummel and being No. 144938 on the criminal docket of said court, and as appears in the criminal minutes of said court in volume 22, page _____.

In testimony whereof witness my hand and official seal in the City of San Antonio, Texas, this _____ day of _____, 19____.

JAMES W. KNIGHT,
Clerk, County Court at Law No. 2
of Bexar County, Texas.
By [Signature] Deputy.

BILL OF COSTS

CLERK'S FEES	Dollars	Cts.	SHERIFF'S FEES	Dollars	Cts.
Entering Information		.10	Arrest and Bond	3	50
Docketing Cause		25	Summoning Witnesses at 75c each		
Issuing Capias		.75	Mileage		
Entering Appearance (15c)			Commitment and release	4	00
Issuing Subpoenas at 25c each					
Inserting Additional Names at 15c each			TOTAL	7	50
Entering Continuance (25c)			Criminal District Attorney	15	.00
Entering Motions at 10c each			Jury Fee (\$5.00)		
Entering Orders at 50c each			Trial Fee	5	.00
Entering Judgment		50	Witness Fees		
Swearing and Impaneling Jury and Receiving Verdict (50c)			Costs in Court		
Filing Papers at 10c each		10	Stenographer's Fee (\$3.00)		
Commitment	1	.00	TOTAL	20	00
Swearing Witnesses at 10c each			RECAPITULATION		
			Clerk's Fees	2	70
			Sheriff's Fees	2	50
			Other Costs and Fees	20	00
			Fine	1	00
			Jail Sentence <i>6 months</i>		
TOTAL	2	70	TOTAL FEES, COSTS AND FINE	31	20

THE STATE OF TEXAS,
COUNTY OF BEXAR.

I, JAMES W. KNIGHT, Clerk of the County Court at Law

No. 2, of Bexar County, Texas, hereby certify the above to be a true and correct account of the fine and costs due in the above entitled and numbered cause at this date.

Witness my hand and seal of office at San Antonio, Texas, this _____ day of

_____, 19____

JAMES W. KNIGHT Clerk,

County Court at Law No. 2, of Bexar County, Texas,

By W. B. Bill Hauck, Deputy.

Fee Book Volume 25 Page 518

No. 144938

In the County Court at Law No. 2,
of Bexar County, Texas

CERTIFIED COPY OF JUDGMENT
WITH BILL OF COSTS

THE STATE OF TEXAS

vs.

William James Rummel

Custody

Address: _____

Bondsman: _____

Address: _____

Bondsman: _____

Address: _____

Man 64
6 mos July 64 #31.20
CC #144938
Pl good behavior by Sheriff
W. B. Bill Hauck
Deputy

SHERIFF'S RETURN

Came to hand the _____ day of _____
the _____ day of _____ A.D. 1964, by _____
Satisfied in full
W. B. Bill Hauck, Sheriff,
Deputy.

By W. B. Bill Hauck, Sheriff, Bexar County, Texas.

W. B. Bill Hauck
Deputy

A-22

CERTIFICATE

THE STATE OF TEXAS,
COUNTY OF BEXAR

I, ROBERT D. GREEN, Clerk of the County Court at Law No. TWO, of
Bexar County, Texas, do hereby certify that the foregoing is a true
and correct copy of COMPLAINT AND EXORATION, AND JUDGMENT WITH BILL OF COSTS,

In Cause NO. 144938

wherein THE STATE OF TEXAS, vs

WILLIAM JAMES RUMMEL

Defendant,

as the same appears on file in my office.

Witness my hand and seal of the Court at my office in San Antonio
Texas, this the 15TH day of SEPTEMBER, A.D. 1979.

ROBERT D. GREEN

Clerk of the County Courts at Law #2
of Bexar County, Texas

by William J. Rummel, Deputy

A-23

No. 144864

In the County Court at Law No. 2,
of Bexar County, Texas

THE STATE OF TEXAS

vs.

William James Rummel

708 Veindo

OFFENSE

HOT CHECK

(Giving Check Without Sufficient Funds)

WITNESSES:

Elton Frost

503 Blanco Rd. DI4-5211

In the Name and by Authority of the State of Texas:

Now comes the undersigned, Assistant Criminal District Attorney of Bexar County, Texas, upon the affidavit of Z. Stanley

which is hereto annexed and made a part hereof, and in behalf of said State, presents in and to the County Court at Law No. 2 of Bexar County, Texas, that hereafter, to-wit on or about the 25th day of July A. D. 1963 and prior to the making and filing of this information in the County of Bexar and State of Texas.

William James Runnel

did then and there unlawfully, with intent to defraud Elton Frost, Agent for H. E. Butt Grocery Co., a corporation, incorporated under the laws of the State of Texas give to the said Elton Frost his check for the sum of Ten Dollars drawn on National Bank of Commerce of San Antonio, Texas in exchange for Lawful Money of the United States of America and of the total value of Ten Dollars which check was in the tenor following:

San Antonio, Texas, July 25 1963 No.

Name of BANK National Bank of Commerce
OF San Antonio, Texas

PAY TO THE ORDER OF H. E. B. FOOD STORES \$10 00

Ten and 00/100 DOLLARS
I hereby certify that I have sufficient funds to my credit at the above Bank, free from any claim.

Address 708 Viendo

Phone No. Pe 5 6178

Value received and charge to the account of

William James Runnel
Acc't No. 459-453

that the said Elton Frost accepted said check in payment for said William James Runnel and believed it to be good, and its payment was relied upon by Elton Frost and the said William James Runnel then and there did not have and knew he did not have sufficient funds with said bank to pay said check and all other checks, drafts and orders outstanding upon such funds at the time said check was given and drawn; that said check was presented to said bank for payment and payment was refused for want of sufficient funds of the said William James Runnel contrary to the forms of the Statute, in such cases made and provided, and against the peace and dignity of the State.

T. A. Arado
Assistant Criminal District Attorney of Bexar County, Texas.

In the Name and by Authority of the State of Texas:

Before me, the undersigned authority, on this day personally appeared Z. Stanley

who, after being by me duly sworn, on oath deposes and says that he has good reason to believe and does believe that hereafter, to-wit on or about the 25th day of July A. D. 1963 and prior to the making and filing of this complaint in the County of Bexar and State of Texas

William James Runnel

did then and there unlawfully with intent to defraud Elton Frost, Agent for H. E. Butt Grocery Co., a corporation, incorporated under the laws of the State of Texas give to the said Elton Frost his check for the sum of Ten Dollars drawn on National Bank of Commerce of San Antonio, Texas in exchange for Lawful Money of the United States of America and of the total value of Ten Dollars which check was in the tenor following:

San Antonio, Texas, July 25 1963 No.

Name of BANK National Bank of Commerce
OF San Antonio, Texas

PAY TO THE ORDER OF H. E. B. FOOD STORES \$10 00

Ten and 00/100 DOLLARS
I hereby certify that I have sufficient funds to my credit at the above Bank, free from any claim.

Address 708 Viendo

Phone No. Pe 5 6178

Value received and charge to the account of

William James Runnel
Acc't No. 459-453

that the said Elton Frost accepted said check in payment for said William James Runnel and believed it to be good, and its payment was relied upon by Elton Frost and the said William James Runnel then and there did not have and knew he did not have sufficient funds with said bank to pay said check and all other checks, drafts and orders outstanding upon such funds at the time said check was given and drawn; that said check was presented to said bank for payment and payment was refused for want of sufficient funds of the said William James Runnel contrary to the forms of the Statute, in such cases made and provided, and against the peace and dignity of the State.

Sworn to and subscribed before me on this, the 6th day of January A. D. 1963
T. A. Arado
Assistant Criminal District Attorney of Bexar County, Texas.

Certified Copy of Judgment of Conviction on Plea of Guilty. Trial by Court.

THE STATE OF TEXAS

No. 144364

vs.

Offense: Not "heck"

William James Rummel

On this, the 10th day of June, A.D. 1938, the above entitled and numbered cause was called for trial, both parties appearing and announcing ready for trial. The plea having been read by the Criminal District Attorney of Bexar County, Texas, the defendant, in open court, pleaded guilty to the charge therein contained and waived a trial by jury and submitted this cause to the court; thereupon the court admonished the defendant of the consequences of such plea, but the defendant, William James Rummel, persisted in pleading guilty, and, after due inquiry, it plainly appearing to the court that the defendant is sane and is uninfluenced by any consideration of fear, by any persuasion or delusive hope of pardon prompting him to confess his guilt, the said plea of guilty was received by the court.

The court, having heard and duly considered defendant's said plea of guilty to the charge contained in the plea herein, and the evidence, is of the opinion and finds that the defendant is guilty of the offense of Not "heck"

and that his punishment should be, and the same is hereby, assessed at a fine of One (\$1.00) dollar and Six (6) months in jail. Cost \$4.00 for C.C. with One \$1.00 for 30

It is, therefore, considered, advised and adjudged by the court that the State of Texas recover of the defendant the amount of such fine herein imposed upon him, and all costs of the prosecution, for which execution may issue against the property of said defendant; and that the defendant, being present in court, be committed to jail, there to remain in custody, until such fine and all costs are paid and until he shall have fully satisfied and discharged the judgment and sentence herein imposed upon him as provided by law.

THE STATE OF TEXAS,
COUNTY OF BEXAR.

I, JAMES W. KNIGHT, Clerk of the County Court at Law No. 2, of Bexar County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the judgment of conviction in the case styled The State of Texas vs. William James Rummel, and being No. 144364 on the criminal docket of said court, and as appears in the criminal minutes of said court in volume 32 page 2.

In testimony whereof witness my hand and official seal in the City of San Antonio, Texas, this 10th day of June, 1938.

JAMES W. KNIGHT,
Clerk, County Court at Law No. 2
of Bexar County, Texas.

By David J. Smith Deputy.

BILL OF COSTS

CLERK'S FEES	Dollars	Cts.	SHERIFF'S FEES	Dollars	Cts.
Entering Information		.10	Arrest and Bond	3	50
Docketing Cause		.25	Summoning Witnesses at 75c each		
Issuing Capias		.75	Mileage		
Entering Appearance (15c)			Commitment and release	4	00
Issuing Subpoenas at 25c each					
Inserting Additional Names at 15c each			TOTAL	7	50
Entering Continuance (25c)			Criminal District Attorney	15	.00
Entering Motions at 10c each			Jury Fee (\$5.00)		
Entering Orders at 50c each			Trial Fee	5	.00
Entering Judgment		.50	Witness Fees		
Swearing and Impaneling Jury and Receiving Verdict (50c)			Costs in Court		
Filing Papers at 10c each	1	00	Stenographer's Fee (\$3.00)		
Commitment			TOTAL	20	00
Swearing Witnesses at 10c each			RECAPITULATION		
			Clerk's Fees	2	70
			Sheriff's Fees	7	50
			Other Costs and Fees	20	00
			Fine	1	00
			Jail Sentence <u>6 months</u>		
TOTAL	2	70	TOTAL FEES, COSTS AND FINE	31	20

THE STATE OF TEXAS,
COUNTY OF BEXAR.

I, JAMES W. KNIGHT, Clerk of the County Court at Law No. 2, of Bexar County, Texas, hereby certify the above to be a true and correct account of the fine and costs due in the above entitled and numbered cause at this date.

Witness my hand and seal of office at San Antonio, Texas, this 10th day of June, 1938.

JAMES W. KNIGHT Clerk,
County Court at Law No. 2, of Bexar County, Texas,
By David J. Smith Deputy.

Issued: 10th day of June, 1938.

Fee Book Volume 25 Page 518

No. 144864 P

In the County Court at Law No. 2,
of Bexar County, Texas

**CERTIFIED COPY OF JUDGMENT
WITH BILL OF COSTS**

THE STATE OF TEXAS

vs. 32352

William James Rummel

Address: custody

Bondsman: _____

Address: _____

Bondsman: _____

Address: _____

on July 6th 1964

4 mos. \$31.00

CC month 144933

All good behavior by which

W. B. Bill Hauck, Sheriff

Deputy

Satisfied in full
W. B. Bill Hauck, Sheriff
Deputy

By W. B. Bill Hauck Deputy

Sheriff, Bexar County, Texas

SHERIFF'S RETURN

Came to hand the 7 day of July, A.D. 1964 by Bill Hauck and executed
the 31 day of July, A.D. 1964 by Bill Hauck

CERTIFICATE

THE STATE OF TEXAS,
COUNTY OF BEXAR

I, ROBERT D. GREEN, Clerk of the County Court at Law No. TWO, of
Bexar County, Texas, do hereby certify that the foregoing is a true
and correct copy of COMPLAINT AND RETURN, AND JUDGMENT WITH BILL OF COSTS,

In Cause NO. 144864

wherein THE STATE OF TEXAS, vs

WILLIAM JAMES RUMMEL

Defendant.

as the same appears on file in my office.

Witness my hand and seal of the Court at my office in San Antonio
Texas, this the 15th day of SEPTEMBER, A.D. 1978.

ROBERT D. GREEN

Clerk of the County Courts at Law 12
of Bexar County, Texas

by W. B. Bill Hauck Deputy

NO. 64306

THE STATE OF TEXAS

VS.

William J. Rammel

CONVICTED OF THE OFFENSE OF

PRESENTATION OF CREDIT CARD WITH
FRAUD TO SERVICE OF THE ARMY OR NAVY
IN THE AMOUNT OF \$50.00 OR MORETRANSCRIPT OF JUDGEMENT
AND SENTENCE

PLEA OF GUILTY - BEFORE COURT

FELONY

JUDGMENT - PLEA OF GUILTY BEFORE THE COURT - FELONY - PROBATION

THE STATE OF TEXAS

No. 64306144th JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXASvs.
William J. RammelOFFENSE: PRESENTATION OF CREDIT
CARD WITH INTENT TO DEFRAUD (UNLAWFUL)
ON SERVICE OF THE ARMY OR NAVY
IN THE AMOUNT OF \$50.00 OR MOREOn this 14th day of DecemberA.D. 1964, the above entitled and numbered

cause being called for trial, appeared the parties, the State by her District Attorney, and the defendant,

William J. Rammel

, in person and by attorney, (hereinafter appointed by

the Court), in open Court having stated to the Court that he desired to waive a jury and plead guilty before

the Court and which request of said defendant to plead guilty and waive a jury was considered and approved by

the Court and is hereby entered of record on the minutes of the Court. And the duly elected and acting Attorney

representing the State having, by an instrument in writing filed in the papers of this cause, waived a jury herein

and concurred and approved such waiver of the right of a trial by jury of the defendant herein, and both parties

having answered ready for trial, said cause proceeded to trial before the Court without the intervention of a jury,

and the indictment having been read by the Court and defendant in person, in open Court, pleaded guilty to the

charge therein contained, and thereupon the Court admonished the defendant of the consequences of such plea;

but the defendant persisted in such plea, and after due inquiry, it plainly appearing to the Court that the defendant

is sane and uninfluenced by any consideration of fear, by any persuasion or delusive hope of pardon prompting

him to confess his guilt in making said plea of guilty, the said plea of guilty was received by the Court

and entered of record upon the Minutes. And the Court having heard said plea of guilty to a felony less than a

capital offense, to-wit: SERVICE OF THE ARMY OR NAVY WITH INTENT TO DEFRAUD (UNLAWFUL) ON
CREDIT CARD WITH INTENT TO DEFRAUD (UNLAWFUL) IN THE AMOUNT OF \$50.00 OR MORE

and having heard the evidence which was submitted and the argument of counsel, and duly considered

same, is of the opinion that said defendant is guilty of a felony less than a capital offense, to-wit: SERVICE OF THE ARMY OR NAVY WITH INTENT TO DEFRAUD (UNLAWFUL) ON
CREDIT CARD WITH INTENT TO DEFRAUD (UNLAWFUL) IN THE AMOUNT OF \$50.00 OR MORE

as charged in the indictment, and should be punished

by confinement in the State Penitentiary for a term of Three (3) years.It is therefore considered, ordered and adjudged by the Court that the defendant William J. Rammel

is guilty of the offense of

PRESENTATION OF CREDIT CARD WITH INTENT TO DEFRAUD (UNLAWFUL) ON SERVICE OF THE ARMY OR NAVY WITH INTENT TO DEFRAUD (UNLAWFUL) IN THE AMOUNT OF \$50.00 OR MORE

and that he be punished, as has been determined by the Court as confinement in the State Penitentiary, for a term of

Three (3) years.

It is further ordered by the Court that the State of Texas do have and recover from said defendant all costs

of the prosecution for which execution may issue, and that the defendant be remanded to jail, if he is to remain in

custody to await the further order of this Court.

It is further ordered by the Court on this 14th day of December, A.D. 1964,

that the imposition of sentence is suspended, and the defendant

is placed on probation in accordance with the Conditions of Adult Probation attached hereto and a copy of which

was delivered to the defendant this date.

J. J. [Signature]

Judge, 144th Judicial District Court, Bexar County, Texas

SENTENCE - PLEA OF GUILTY BEFORE THE COURT - FELONY

THE STATE OF TEXAS

NO.: 64306144th JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

VS.

WILLIAM J. RUMMELOFFENSE: PRESENTATION OF CREDIT CARD
WITH INTENT TO DEFRAUD (CREDIT ON SER-
VICE OF THE VALUE OF \$50.00 O. R. RUMEL)

On this the 16th day of December, A.D. 1964, in the above numbered and entitled cause, again appeared in open Court the state, by her District Attorney, the defendant's attorney, and the defendant William J. Rummel who was brought in person before the Court by the Sheriff for the purpose of having sentence of the law pronounced upon him in accordance with the judgment which, on the 16th day of December, A.D. 1964, has been rendered and entered against him, said defendant having waived time.

And thereupon the Court asked the defendant, William J. Rummel, whether he had anything to say why the sentence should not be pronounced against him, to which he answered "Nothing". Thereupon the Court, in the presence of the said defendant William J. Rummel, pronounced sentence against him as follows:

"It is considered and ordered by the Court that the defendant, William J. Rummel, who has been adjudged to be guilty of PRESENTATION OF CREDIT CARD WITH INTENT TO DEFRAUD and whose punishment has been assessed

by the Court against him, be confined in the penitentiary of the State of Texas for a term of Three (3) years, be immediately delivered by the Sheriff of Bexar County, Texas, to the Director of Corrections of the State of Texas, or other person legally authorized to receive such convict, who shall convey him to said penitentiary, there to be confined and imprisoned for the period of not less than Two (2) years nor more than three (3) years, in accordance with the provisions of the law governing the penitentiaries of the State." Said sentence to begin and operate from the 22nd day of December, 1964, the date of defendant's incarceration.

And the said William J. Rummel is remanded to jail until the said Sheriff can carry out the provisions of this sentence.

J. L. 33, P. 43

ARCHIE J. BROWN, JUDGE PRESIDING

No. 157124IN THE
County Court at Law No. 3
OF BEXAR COUNTY, TEXAS

THE STATE OF TEXAS

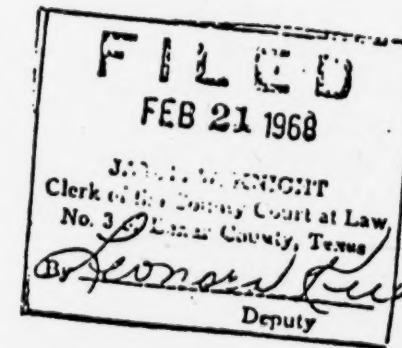
VS.

William James Rummel
Talitha Ruth Rummel
707 E. RummelOFFENSE OF
Aggravated Assault
on a FemaleFiled the _____ day of _____ A.D. 196

Clerk of the County Court, Bexar County

By _____ Deputy

WITNESSES

Penny Rummel
115 BuckinghamC. J. Rummel #153 SAPJuliana De la Rosa
115 Buckingham

Aggravated
Assault
on
Female

In the Name and by the Authority of the State of Texas:

Now comes the undersigned, Assistant Criminal District Attorney of Bexar County, Texas, upon the affidavit of Penny Kimmel hereto attached and made a part hereof, and in behalf of the said State presents in the County Court at Law No. 3 of Bexar County, Texas, that heretofore, to-wit on or about the 21 day of February, A. D. 1908, and before the making and filing of this information, in said County of Bexar and State of Texas, William James Kimmel in and upon Penny Kimmel did then and there unlawfully commit an aggravated assault and battery and did then and there strike, beat, bruise and wound the said, Penny Kimmel the said, William James Kimmel being then and there an adult male and the said Penny Kimmel being then and there a female,

contrary to the forms of the Statute, in such cases made and provided, and against the peace and dignity of the State.

W. J. Kimmel
Assistant Criminal District Attorney of Bexar County, Texas

In the Name and by the Authority of the State of Texas:

BEFORE ME, the undersigned authority, on this day personally appeared Penny Kimmel who, after being by me duly sworn, on oath deposes and says that William James Kimmel in the County of Bexar and State of Texas, on or about the 21 day of February, A. D. 1908 and before the making and filing of this complaint, in the State and County aforesaid, in and upon Penny Kimmel did then and there unlawfully commit an aggravated assault and battery and did then and there strike, beat, bruise and wound the said, Penny Kimmel the said, William James Kimmel being then and there an adult male and the said Penny Kimmel being then and there a female.

contrary to the forms of the Statute, in such cases made and provided, and against the peace and dignity of the State.

Penny Kimmel
Sworn to and subscribed before me, this 21 day of February, A. D. 1908
W. J. Kimmel
Assistant Criminal District Attorney of Bexar County, Texas

Fine	Clerk	Trial Fee	Dist. Atty.	Sheriff	Jury	Misc. & Steno.	Total
-0-	\$15.00	\$5.00	\$15.00	\$9.00			\$44.00

30 days Jail

Certified Copy of Judgment of Conviction on Plea of Guilty. Trial by Court.

THE STATE OF TEXAS

No. 157124

vs.

Offense: Aggravated Assault

William James Runnel

on a Female

On this, the 23rd day of April

A.D. 1968

the above entitled and numbered cause was called for trial, both parties appearing and announcing ready for trial. The information having been read by the Criminal District Attorney of Bexar County, Texas, the defendant in open court pleaded guilty to the charge therein contained and waived a trial by jury and submitted this cause to the court; thereupon the court admonished the defendant of the consequences of such plea, but the defendant William James Runnel

persisted in pleading guilty, and, after due inquiry, it plainly appearing to the court that the defendant is sane and is uninfluenced by any consideration of fear, by any persuasion or delusive hope of pardon prompting him to confess his guilt, the said plea of guilty was received by the court.

The court, having heard and duly considered defendant's said plea of guilty to the charge contained in the information herein, and the evidence, is of the opinion and finds that the defendant is guilty of the offense of Aggravated Assault on a Female

and that his punishment should be, and the same is hereby, assessed by confinement in the County Jail for a period of thirty (30) days and costs of Court, sentence to begin as of March 7th, 1968. Note: Sentence to run concurrent with No. 167599 out of County Court at Law No. 2. It is, therefore, considered, ordered and adjudged by the court that the State of Texas recover of the defendant the amount of such fine herein imposed upon him, and all costs of the prosecution, for which execution may issue against the property of said defendant; and that the defendant, being present in court, be committed to jail, there to remain in custody, until such fine and all costs are paid and until he shall have fully satisfied and discharged the judgment and sentence herein imposed upon him as provided by law.

SENTENCE

On this the 23rd day of April, A.D. 1968, this cause again being called: the State appeared by the Criminal District Attorney of Bexar County, Texas, and the defendant appeared in person and by counsel Michael Hunter for the purpose of having sentence of law pronounced in accordance with the verdict and judgment rendered against him on the 23rd day of April, A.D. 1968; said defendant having waived the statutory ten days within which to file Motions for New Trial and in Arrest of Judgment herein:

And thereupon the said defendant was asked by the Court whether he had anything to say why sentence should not be pronounced against him and he answered nothing in bar thereof, whereupon the Court proceeded, in presence of said defendant, to pronounce sentence against him as follows, to-wit:

It is the order of the Court that the defendant,

William James Runnel

who has been adjudged guilty of

Aggravated Assault on a Female

a misdemeanor, and whose punishment has been assessed at a fine of \$-0- and costs of this prosecution and (confinement in the county jail of Bexar County, Texas, for thirty (30) days

be delivered to the Sheriff of Bexar County, Texas, for confinement in the county jail of Bexar County, Texas, for the period aforesaid and for the time necessary to discharge the costs of this prosecution and until the fine of \$-0- and all costs of this prosecution are paid in accordance with law. NOTE: Sentence to run concurrent with No. 167599 out of County Court at Law No. 2.

And it appearing that defendant has been in jail continuously from his arrest on the 7th day of March, A.D. 1968, to date, he is hereby given credit on this sentence from the 7th day of March, A.D. 1968, to the date of this sentence for the time the said defendant has spent in jail in said cause.

H. J. Garcia
Judge Presiding

acting for S. Benton Davies
Judge of the County Court at Law No. 3
of Bexar County, Texas

THE STATE OF TEXAS,
COUNTY OF BEXAR.

I, JAMES W. KNIGHT, Clerk of the County Court at Law No. 3 of Bexar County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the judgment of conviction in the case styled The State of Texas vs. William James Runnel, and being No. 157124 on the criminal docket of said court, and as appears in the criminal minutes of said court in volume 9, page and sentence in such cause.

In testimony whereof witness my hand and official seal in the City of San Antonio, Texas, this 23rd day of April, 1968.

JAMES W. KNIGHT,
Clerk, County Court at Law No. 3
of Bexar County, Texas

By *Lorena Kuhn*, Deputy.

Fee Book Volume 5 Page 274

157124
No. 157124

In the County Court at Law No. 3,
of Bexar County, Texas

**CERTIFIED COPY OF JUDGMENT
WITH BILL OF COSTS**

THE STATE OF TEXAS

vs.

William James Rummel

Address: in custody

Bondsman: _____

Address: _____

Bondsman: _____

Address: 7

By _____ Deputy.

Sheriff, Bexar County, Texas

Came to hand the _____ day of _____, A.D. 19 _____, and executed

SHERIFF'S RETURN

CERTIFICATE

THE STATE OF TEXAS,
COUNTY OF BEXAR

I, ROBERT D. GREEN, Clerk of the County Court at Law No. THREE, of
Bexar County, Texas, do hereby certify that the foregoing is a true
and correct copy of COMPLAINT AND INFORMATION, AND JUDGMENT WITH BILL OF COSTS,

In Cause NO. 157124

wherein THE STATE OF TEXAS, vs

WILLIAM JAMES RUMMEL

Defendant,

as the same appears on file in my office.

Witness my hand and seal of the Court at my office in San Antonio,
Texas, this the 15TH day of SEPTEMBER, A.D. 1978.

ROBERT D. GREEN

Clerk of the County Courts at Law #3
of Bexar County, Texas

by Kathleen J. McGuire, Deputy

No. 167599County Court at Law No. 2
of Bexar County, Texas

THE STATE OF TEXAS

vs.

W. J. Rummel

403 Madison

OFFENSE

~~167599~~
SWINDLING BY WORTHLESS CHECK
(Giving Check Without Sufficient Funds)

UNDER \$50.00

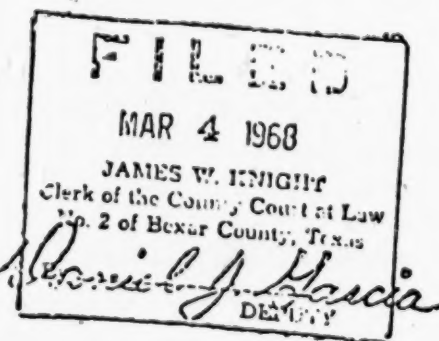
WITNESSES:

Hazel Belle
716 S. Presa

The Alamo National

Mr. P. Casillas

306 W. Commerce - 5/16/68



In the Name and by Authority of the State of Texas:

Now comes the undersigned, Assistant Criminal District Attorney of Bexar County, Texas, upon the affidavit of Z. Stanleywhich is hereto attached and made a part hereof, and, in behalf of said State, presents in and to the County Court at Law No. 2 of Bexar County, Texas, that heretofore, to-wit: on or about the 21st day of February A. D. 19 68 and prior to the making and filing of this information in the County of Bexar and State of Texas.W. J. Rummeldid then and there unlawfully, with intent to defraud Hazel Belle, agent for Belle's Gulf Service Station, a sole owned business.make, draw, utter and deliver and cause and direct the making, drawing, uttering and delivering to the said Hazel Bellea check, draft and order for the payment of money in the sum of five dollars and sixty-one cents drawn onThe Alamo National Bank of San Antonio, Texas

which check, draft and order was in the tenor following:

W. J. or PERRY RUMMEL
403 MADISON
SAN ANTONIO, TEXAS 78210

Feb 21 1968

NUMBER
112
30-2
1140PAY TO THE
ORDER OF WOODARD BELLE

\$5 61/

Five and 61/100 -----DOLLARS

THE ALAMO NATIONAL BANK
OF SAN ANTONIO, TEXAS

W. J. Rummel

that the said Hazel Belle accepted said check.

draft and order and believed it to be good, and its payment was relied upon by

Hazel Belle and the said W. J. Rummelthen and there did not have and knew he did not have sufficient funds in and on deposit with said bank to pay in full said check, draft and order and all other checks, drafts and orders outstanding upon such funds then outstanding; that said check, draft and order was presented to said bank for payment and payment was refused for want of sufficient funds of the said W. J. Rummel

contrary to the forms of the statute, in such cases made and provided, and against the peace and dignity of the State.

David E. Nix
Assistant Criminal District Attorney of Bexar County, Texas.

In the Name and by Authority of the State of Texas:

Before me, the undersigned authority, on this day personally appeared _____

Z. Stanley

who, after being by me duly sworn, on oath deposes and says that he has good reason to believe and does believe that heretofore, to-wit: on or about the _____ 21st day of February _____ A. D. 19 68

and prior to the making and filing of this complaint, in the County of Bexar and State of Texas _____

W. J. Runnel

did then and there unlawfully, with intent to defraud Hazel Belle, agent for Belle's Gulf Service Station a sole owned business.

make, draw, utter and deliver and cause and direct the making, drawing, uttering and delivering to the said _____ Hazel Belle

a check, draft and order for the payment of money in the sum of five dollars and sixty-one cents _____ drawn on _____

The Alamo National Bank of San Antonio, Texas

which check, draft and order was in the tenor following:

W. J. or PERRY RUNNEL
403 MADISON
SAN ANTONIO, TEXAS 78210

Feb 21 1968

NUMBER
11230-2
1140PAY TO THE
ORDER OF WOODARD BELLE

\$5 61/

Five and 61/100 -----DOLLARS

THE ALAMO NATIONAL BANK
OF SAN ANTONIO, TEXAS

W. J. Runnel

that the said _____ Hazel Belle _____ accepted said check,

draft and order and believed it to be good, and its payment was relied upon by _____

Hazel Belle _____ and the said _____ W. J. Runnel _____

_____ then and there did not have and knew he did not have sufficient funds in and on deposit with said bank to pay in full said check, draft and order and all other checks, drafts and orders outstanding upon such funds then outstanding; that said check, draft and order was presented to said bank for payment and payment was refused for want of sufficient funds of the said _____ W. J. Runnel _____

contrary to the forms of the statute, in such cases made and provided, and against the peace and dignity of the State.

Sworn to and subscribed before me on this, the 22th day of February _____ A. D. 19 68

Hina K. Hinnick
Assistant Criminal District Attorney of Bexar County, Texas.

Fine	Clerk	Trial Fee	Dist. Atty.	Sheriff	Jury	Misc. & Steno.	Total
\$1.00	\$15.00	\$5.00	\$15.00	\$9.00			\$45.00
							30 days in jail

Certified Copy of Judgment of Conviction on Plea of Guilty. Trial by Court

THE STATE OF TEXAS

167599

No. _____

vs.

Offense: Swindling by worthless

W. J. Runnel

check under \$50.00

23rd day of April

68

On this, the _____ day of _____, A.D. 19 _____, the above entitled and

numbered cause was called for trial, both parties appearing and announcing ready for trial. The information having been read by the Criminal District Attorney of Bexar County, Texas, the defendant, in open court, pleaded guilty to the charge therein contained and waived a trial by jury and submitted this cause to the court; thereupon the court admonished the defendant of the consequences of such plea, but the defendant, W. J. Runnel

persisted in pleading guilty, and, after due inquiry, it plainly appearing to the court that the defendant is sane and is uninfluenced by any consideration of fear, by any persuasion or delusive hope of pardon prompting him to confess his guilt, the said plea of guilty was received by the court.

The court, having heard and duly considered defendant's said plea of guilty to the charge contained in the information herein, and the evidence, is of the opinion and finds that the defendant is guilty of the offense of _____ Swindling by worthless check under \$50.00

_____ and that his punishment should be, and the same is hereby, assessed at \$1.00 fine and 30 days in the county jail and costs of court, sentence to run concurrent with 157124

It is, therefore, considered, ordered and adjudged by the court that the State of Texas recover of the defendant the amount of such fine herein imposed upon him, and all costs of the prosecution, for which execution may issue against the property of said defendant; and that the defendant, being present in court, be committed to jail, there to remain in custody, until such fine and all costs are paid and until he shall have fully satisfied and discharged the judgment and sentence herein imposed upon him as provided by law.

SENTENCE

On this the 23rd day of April, A.D. 1968, this cause again being called, the State appeared by the Criminal District Attorney of Bexar County, Texas, and the defendant appeared in person and by counsel Michael Hunter for the purpose of having sentence of law pronounced in accordance with the verdict and judgment rendered against him on the 23rd day of April, A.D. 1968; said defendant having waived the statutory ten days within which to file Motions for New Trial and in Arrest of Judgment herein:

And thereupon the said defendant was asked by the Court whether he had anything to say why sentence should not be pronounced against him and he answered nothing in bar thereof, whereupon the Court proceeded, in presence of said defendant, to pronounce sentence against him as follows, to-wit:

"It is the order of the Court that the defendant, W. J. Runnel

who has been adjudged guilty of Swindling by worthless check under \$50.00

a misdemeanor, and whose punishment has been assessed at (a fine of \$ 1.00 and costs of this prosecution) and (confinement in the county jail of Bexar County, Texas, for 30 days) be delivered to the Sheriff of Bexar County, Texas, for confinement in the county jail of Bexar County, Texas, for the period aforesaid and for the time necessary to discharge the costs of this prosecution and until the fine of \$ 1.00 and all costs of this prosecution are paid in accordance with law."

And it appearing that defendant has been in jail continuously from his arrest on the _____ day of _____, A.D. 19____, to date, he is hereby given credit on this sentence from the _____ day of _____, A.D. 19____, to the date of this sentence for the time the said defendant has spent in jail in said cause.

H. J. Garcia
Judge Presiding

THE STATE OF TEXAS,
COUNTY OF BEXAR.

I, JAMES W. KNIGHT, Clerk of the County Court at Law No. 170 of Bexar County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the judgment of conviction in the case styled The State of Texas vs. W. J. Runnel and being No. 157599 on the criminal docket of said court, and as appears in the criminal minutes of said court in volume 38 page _____ and sentence in such cause.

In testimony whereof witness my hand and official seal in the City of San Antonio, Texas, this 23rd day of April, 1968

JAMES W. KNIGHT,
Clerk, County Court at Law No. 170
of Bexar County, Texas.

Daniel J. Garcia, Deputy.

Fee Book Volume 27 Page 533

No. 167549

In the County Court at Law No. 170,
of Bexar County, Texas

CERTIFIED COPY OF JUDGMENT
WITH BILL OF COSTS

THE STATE OF TEXAS

vs.

W. J. Runnel

Address: custody

Bondsman: _____

Address: _____

Bondsman: _____

Address: _____

SHERIFF'S RETURN

Came to hand the _____ day of _____, A.D. 19____, by _____

By _____ Sheriff, Bexar County, Texas
Deputy _____

APR 25 1968
JAMES W. KNIGHT
Clerk of the County Court at Law
No. 2 of Bexar County, Texas
DEPUTY

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CERTIFICATE

THE STATE OF TEXAS,
COUNTY OF BEXAR

I, ROBERT D. GREEN, Clerk of the County Court at Law No. TWO, of
Bexar County, Texas, do hereby certify that the foregoing is a true
and correct copy of COMPLAINT AND INFORMATION, AND JUDGMENT WITH BILL OF COSTS,

In Cause NO. 167599

wherein THE STATE OF TEXAS, vs

W. J. RIMEL

Defendant,

as the same appears on file in my office.

Witness my hand and seal of the Court at my office in San Antonio
Texas, this the 15TH day of SEPTEMBER, A.D. 1978.

ROBERT D. GREEN

Clerk of the County Courts at Law #2
of Bexar County, Texas

by Kathleen A. McGuire, Deputy

A-47

N.:. 63-977

JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

THE STATE OF TEXAS

VS.

JUDGMENT

(PLEA OF GUILTY OR NOLO CON-
TENDERE BEFORE THE COURT)

MINUTES, 144TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS VOL: 30
AT JULY CH TERM, A. D. 19 69 PAGE: 138

JUDGMENT - PLEA OF GUILTY OR NOLO CONTENDERE BEFORE THE COURT - FELONY
THE STATE OF TEXAS NO.: 68-977

VS. OFFENSE: PASSING AS TRUE A FORGED INSTRUMENT
WILLIAM J. RUMMELL

On this 11th day of March, A. D. 19 69, the above entitled and numbered cause being called for trial, appeared the parties, State of Texas by her district attorney, and the defendant William J. Rummell, in person and by counsel, Claude Bailey, and both parties announced ready for trial. Said defendant, having been duly arraigned, entered a plea of Guilty to the first paragraph of the indictment herein on this date. And the defendant having in open court and in writing waived his right of trial by jury, such waiver being with the consent and written approval of the district attorney; said waiver is hereby approved by the court, entered of record on the minutes of the court and ordered filed in the papers of this cause. Thereupon the court admonished the defendant of the consequences of such plea; but the defendant persisted in such plea, and after due inquiry, it plainly appearing to the court that the defendant is sane and uninfluenced by any consideration of fear, or by any persuasion or delusive hope of pardon prompting him to confess his guilt, the said plea of Guilty was received by the court and is now entered of record. And the court having heard said plea and having heard the evidence which was submitted (including stipulated evidence under the provisions of Article 1.15, Code of Criminal Procedure) and the argument of counsel, and having duly considered the same, finds that the defendant is guilty of a felony, to-wit: Passing As True A Forged Instrument as charged in the first count of the indictment, and should be punished by confinement in the Texas Department of Corrections for a term of four (4) years.

It is therefore CONSIDERED, ORDERED AND ADJUDGED by the court that the defendant William J. Rummell is guilty of the felony offense of Passing As True A Forged Instrument to which he has pleaded, and that he should be punished, as has been determined by the court, at confinement in the Texas Department of Corrections for a term of four (4) years.

It is further ORDERED by the Court, that the State of Texas do have and recover from said defendant all costs of prosecution for which execution may issue, and the defendant be (remanded to jail) (~~committed to jail~~) to await the further order of this court.

John J. Sullivan
JUDGE PRESIDING

THE STATE OF TEXAS X
COUNTY OF BEXAR X

I, HART MCCORMICK, Clerk of the District Courts in and for Bexar County, Texas, do hereby certify that the above and foregoing is a true and correct Transcript of the Original Judgment, Sentence, Etc. rendered and entered in Cause No.: 68-977 entitled THE STATE OF TEXAS versus William J. Rummell, as the same appear of record on the Criminal Minutes of the 144th District Court in and for Bexar County, in Volume 3 at Pages: 138.

IN TESTIMONY WHEREOF, I hereunto sign my name and affix the seal of said Court, at office in San Antonio, Texas, this the 11th day of March, A. D. 19 69.

NO APPEAL PERFECTED

HART MCCORMICK
Clerk, District Courts, Bexar County, Texas

By: John J. Sullivan, Deputy

NO.: 68-977

144th JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

THE STATE OF TEXAS

VS.

William J. Rummell

SENTENCE

JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS
 AT _____ TERM, A.D. 19____ PAGE: 30

SERVICES
 THE STATE OF TEXAS NO. 63-977

VS. OFFENSE: PASSING AS TRUE A FORGED INSTRUMENT
 WILLIAM J. RUSSELL

On this the 11th day of March, A. D. 19 69, this cause being again called; the State appeared by the District Attorney and the defendant appeared in person and by counsel Claude Bailey for the purpose of having sentence of the law pronounced in accordance with the ~~verdict~~ judgment rendered and entered against him on March 11, 1969; said defendant having waived the Statutory Ten Days in which to file a Motion for a New Trial herein;

And thereupon the said defendant was asked by the Court whether he had anything to say why sentence should not be pronounced against him, and he answered nothing in bar thereof. Whereupon the Court proceeded, in the presence of said defendant to pronounce sentence against him as follows, to-wit: "It is the order of the Court that the defendant William J. Russell

who has been adjudged to be guilty of Passing as True A Forged Instrument a felony, and whose punishment has been assessed at confinement in the Texas Department of Corrections for Four (4) years, be delivered by the Sheriff of Bexar County, Texas, immediately to the Director of Corrections of the State of Texas, or other person legally authorized to receive such convicts, and said defendant shall be confined in said Department of Corrections for not less than two (2) years nor more than four (4) years, in accordance with the provisions of the law governing the Texas Department of Corrections."

Said defendant is hereby given credit on this sentence from the 12th day of February, A. D. 19 69 to the date of this sentence, for the time the said defendant has spent in jail in said cause.

And the said defendant is remanded to jail until said Sheriff can obey the directions of this sentence.

A. J. J. J. J.
 A. J. J. J. J., JUDGE PRESIDING

NO.:

72-2721

JUDICIAL DISTRICT COURT

BEXAR COUNTY, TEXAS

THE STATE OF TEXAS

VS.

JUDGMENT
 (PLEA OF GUILTY OR NOLO CONTENDERE BEFORE THE COURT)

NO. 187th JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS VOL: 7
AT MARCH TERM, A. D. 1973 PAGE: 228

JUDGMENT - PLEA OF GUILTY OR NOLO CONTENDERE BEFORE THE COURT - FELONY
THE STATE OF TEXAS NO. 72-2721
VS. WILLIAM J. RUSSELL OFFENSE: WORTHLESS CHECK OF THE VALUE OF \$50 OR OVER

On this 10th day of APRIL, A. D. 1973, the above entitled and numbered cause being called for trial, appeared the parties, State of Texas by her district attorney, and the defendant WILLIAM J. RUSSELL, in person and by counsel, WILLIAM CHENAULT III, and both parties announced ready for trial. Said defendant, having been duly arraigned, entered a plea of ~~NOT GUILTY~~ GUILTY to the indictment herein on this date. And the defendant having in open court and in writing waived his right of trial by jury, such waiver being with the consent and written approval of the district attorney; said waiver is hereby approved by the court, entered of record on the minutes of the court and ordered filed in the papers of this cause. Thereupon the court admonished the defendant of the consequences of such plea; but the defendant persisted in such plea, and after due inquiry, it plainly appearing to the court that the defendant is sane and uninfluenced by any consideration of fear, or by any promises, persuasion or delusive hope of pardon prompting him to confess his guilt, the said plea of GUILTY was received by the court and is now entered of record. And the court having heard said plea and having heard the evidence which was submitted (including stipulated evidence under the provisions of Article 1.15, Code of Criminal Procedure) and the argument of counsel, and having duly considered the same, the court finds that the defendant is guilty of the offense of WORTHLESS CHECK OF THE VALUE OF \$50 OR OVER as charged in the indictment, and should be punished by confinement in the Texas Department of Corrections for a term of THREE (3) years.

It is therefore CONSIDERED, ORDERED AND ADJUDGED by the court that the defendant WILLIAM J. RUSSELL is guilty of the felony offense of WORTHLESS CHECK OF THE VALUE OF \$50 OR OVER to which he has pleaded, and that he should be punished, as has been determined by the court, at confinement in the Texas Department of Corrections for a term of THREE (3) years.

It is further ORDERED by the Court, that the State of Texas do have and recover from said defendant all costs of prosecution for which execution may issue, and the defendant be (remanded to jail) (committed to prison) to await the further order of this court.

John G. Brundage
JUDGE PRESIDING

NO. 187th JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS VOL: 7
AT MARCH TERM, A. D. 1973 PAGE: 229

SENTENCE
THE STATE OF TEXAS NO. 72-2721
VS. WILLIAM J. RUSSELL OFFENSE: WORTHLESS CHECK OF THE VALUE OF \$50 OR OVER

On this the 10th day of APRIL, A. D. 1973, this cause being again called, the State appeared by the District Attorney and the defendant appeared in person and by counsel, WILLIAM CHENAULT III, for the purpose of having sentence of the law pronounced in accordance with the ~~existing~~ judgment rendered and entered against him on APRIL 10, 1973, said defendant having waived the Statutory Ten Days in which to file a Motion for a New Trial herein.

And thereupon the said defendant was asked by the Court whether he had anything to say why sentence should not be pronounced against him, and he answered nothing in bar thereof. Whereupon the Court proceeded, in the presence of said defendant to pronounce sentence against him as follows, to wit: "It is the order of the Court that the defendant WILLIAM J. RUSSELL, who has been adjudged to be guilty of WORTHLESS CHECK OF THE VALUE OF \$50 OR OVER a felony, and whose punishment has been assessed as confinement in the Texas Department of Corrections for THREE (3) years, be delivered by the Sheriff of Bexar County, Texas immediately to the Director of Corrections of the State of Texas, or other person legally authorized to receive such convict, and said defendant shall be confined in said Department of Corrections for not less than TWO (2) years nor more than THREE (3) years, in accordance with the provisions of the law governing the Texas Department of Corrections."

It is further ordered that said sentence do begin and operate from: JANUARY 21, 1973

Whereupon the Court advised the defendant fully as to his right of appeal, and no notice of appeal having been given, the said defendant is remanded to jail until said Sheriff can obey the directions of this sentence.

John G. Brundage
JUDGE PRESIDING

NO: 72-2721

187 JUDICIAL DISTRICT COURT

THE STATE OF TEXAS

vs. William J. Bennett

SENTENCE

MINUTES, 271 JUDICIAL DISTRICT COURT, HELLIS COUNTY, TEXAS
AT 2:30 PM, A. D. 19 72

VOL. 7
PAGE: 55

WEDGET & MURPHY - FIRM OF MEXICO CITY BEHIND JURY WITH ADVISORY BOARD OF JURY
THE STATE OF TEXAS

VS. OFFENSE: RECEIVING OVERSEAS CORRUPTION
 DATE: 11/11/71 (INITIALS)

On this 2th day of April, A. D. 1973, the above entitled and numbered cause being called for trial, appeared the parties, the State of Texas by her district attorney, and defendant, WILLIAM F. BROWN in person and by counsel, IRVING S. GALT, III and both parties having announced ready for trial, said defendant having heretofore been duly arraigned and entered a plea of Not Guilty.

Thereupon a jury composed of _____ and eleven others was selected, impanelled and sworn, and after hearing the indictment read, the defendant's plea of not guilty thereto and the evidence submitted, and having been charged by the Court as to their duty to determine the guilt or innocence of the defendant, and heard the arguments of counsel thereon, they retired in charge of the proper officer and returned into open court, in due form of law, on the _____ day of _____ A. D. 1973, the following verdict which was received by the Court and is now entered upon the minutes:

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Foreman

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FORWARD

It is therefore CONSIDERED, ORDERED AND ADJUDGED by the Court that the defendant is guilty of the offense of WARRANT OVER FIFTY DOLLARS FOR RAPE OF A MINOR (HABITUAL) and that he be punished, as has been determined by the ^{JURY} ~~JURY~~, at confinement in the Texas Department of Corrections for a term of "LIFE" years.

It is further ORDERED by the Court, that the State of Texas do have and recover from said defendant all costs of prosecution for which execution may issue, and the defendant be (remanded to jail) (~~remanded to jail~~) to await the further order of this court.

at the further order of this court.

John L. Fennell
JUDGE PRESIDING

MINUTES, 187th JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS VOL. 379
AT MARCH TERM, A. D. 1973 PAGE

SENTENCE

THE STATE OF TEXAS

NO. 73-72-224

VS.

WILLIAM J. SUGELOFFENSE: THEFT OVER FIFTY DOLLARSBY FALSE PRETEXT (HABITUAL)

On this the 25th day of APRIL, A. D. 1973, this cause being again called, the State appeared by the District Attorney and the defendant appeared in person and by counsel WILLIAM B. CHAMBERS, III, for the purpose of having sentence of the law pronounced in accordance with the verdict and judgment rendered and entered against him on APRIL 10, 1973 NO NOTICE FOR NEW TRIAL HAVING BEEN FILED ON THIS DATE APRIL 15, 1973

And thereupon the said defendant was asked by the Court whether he had anything to say why sentence should not be pronounced against him, and he answered nothing in bar thereof. Thereupon the Court proceeded, in the presence of said defendant to pronounce sentence against him as follows, to-wit: "It is the order of the Court that the defendant WILLIAM J. SUGEL, who has been adjudged to be guilty of THEFT OVER FIFTY DOLLARS BY FALSE PRETEXT (HABITUAL)

a felony, and whose punishment has been assessed at confinement in the Texas Department of Corrections for 10 years, be delivered by the Sheriff of Bexar County, Texas immediately to the Director of Corrections of the State of Texas, or other person legally authorized to receive such convict, and said defendant shall be confined in said Department of Corrections for 10 years, in accordance with the provisions of the law governing the Texas Department of Corrections."

It is further ordered that said sentence do begin and operate from:

Whereupon the Court advised the defendant fully as to his right of appeal, and since notice of appeal having been given, the said defendant is remanded to jail until said Sheriff can obey the directions of this sentence.

WHEREUPON, IN OPEN COURT, BY AND THROUGH HIS COUNSEL, DEFENDANT GAVE NOTICE OF APPEAL TO THE COURT OF CRIMINAL APPEALS AT AUSTIN, TEXAS AND THAT COURT, SAID NOTICE BEING GRANTED TWENTY (20) DAYS IN WHICH TO FURTHER SAID APPEAL AND THE DEFENDANT'S EXECUTION OF THE SENTENCE THEREON BEING STAYED UNTIL THE COURT OF CRIMINAL APPEALS AT AUSTIN, TEXAS AND DEFENDANT IS REMANDED TO JAIL.

John L. Remick
JUDGE PRESIDING